

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 480  
Thursday, December 18, 1986, 1:00 p.m.  
City Commission Room, Plaza Level  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Quarles Smith White		Gardner Jones Moore	Jackere, Legal Department Hubbard, Parnell, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, December 16, 1986, at 1:25 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:00 p.m.

**MINUTES:**

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** the Minutes of December 4, 1986.

**UNFINISHED BUSINESS**

**Case No. 14291**

**Action Requested:**

Variance - Section 1212.3 - Use Conditions - Request a variance of the screening requirement between an OL and RS-3 District, located SW/c East 11th and South Delaware Place.

**Comments and Questions:**

Ms. Bradley asked Staff if this case is not the same one that was approved at a previous meeting. Mr. Jones informed that the Zoning Code requires the applicant to screen the OL District from the residential area unless that area is separated by an arterial street. He pointed out that there was some doubt as to whether the applicant advertised for sufficient relief in the previous application, so he has readvertised for relief of the screening requirement and is again before the Board today.

**Presentation:**

The applicant, John Sublett, 320 South Boston, Tulsa, Oklahoma, stated that some of the protestants at the previous meeting felt that there should be a screening fence along the south end of the lots where the OL abutts the RS-3 lots across the street. He

Case No. 14291 (continued)

Informed that the owners of the lots do not object to screening, but do not think a fence would be appropriate. He pointed out that this portion of the permit was overlooked when the Building Permit was applied for. Mr. Sublett stated that the protestants also opposed the southern access on Delaware place. He stated that he is of the opinion that each lot would be allowed an access by right. Mr. Sublett asked the Board to waive the screening requirement on the south between the 2 access points. He suggested that a sign could be installed to prevent the restaurant traffic from turning right into the residential area.

**Additional Comments:**

Mr. Chappelle inquired if screening on the east is the question before the Board at this time.

Mr. Gardner informed that the plot plan that was previously approved shows that the screening fence runs along the southern boundary of the project and turns north approximately 20'. He pointed out that the question that is before the Board at this time is whether or not the screening fence should continue farther to the north opposite the vacant single-family lots. Mr. Gardner informed that, according to Code requirements, the fence would be required to continue to the north from the point where the 20' portion stops, to the point that aligns with the residential property to the east. He pointed out that the Board has, at the previous meeting, approved the plot plan granting the access. He explained that the Board has 3 options: (1) they can now deny the access and require that the fencing continue all the way along the east boundary running to the north; (2) grant the access, based on the first approval, and require the screening fence to be placed north from the access point and align with the residential property across the street; (3) approve the application with no screening fence north of the 20' portion.

Ms. Bradley asked Mr. Gardner if he advised the Board at the last meeting that the screening on the east would cut off the access to the employees parking lot. Mr. Gardner replied that he did not. He explained that the protestants did not want the restaurant to have access on the southern boundary, but if the applicant wanted to construct an office building with an access on that boundary it would be allowed by right. He noted that access is not through the RS District, which is the parking lot, but through the OL District to Delaware Place.

Mr. Quarles asked Mr. Gardner if the applicant is before the Board again because the case was not properly advertised and Mr. Gardner replied that it was not properly advertised as relates to the screening issue on the east boundary.

Mr. Sublett stated that some of the neighbors are concerned that the commercial zoning line will be changed to include the two residential lots that are now vacant, but, in his opinion, the zoning line on 11th Street has remained stable for approximately 25 years and does not anticipate a change.

Case No. 14291 (continued)

Ms. White asked Mr. Sublett if the owners of the vacant property to the east are in support of the application and he replied that they do not oppose it.

Mr. Sublett stated that an easement has also been acquired to Delaware Place.

Mr. Smith asked if the mutual access easement is to Delaware Avenue instead of Delaware Place and Mr. Sublett answered in the affirmative.

Ms. Bradley inquired as to the distance from the southern boundary to the south access. Mr. Smith informed that, according to the plot plan, the distance is 23'.

**Protestants:**

Don McCorkle, 1717 South Boulder, Tulsa, Oklahoma, stated that the burden is on the applicant to demonstrate a hardship and, in his opinion, Mr. Sublett's presentation has not demonstrated such. He informed that Wendy's fast food establishment in the area does not have an access into the residential neighborhood and is a successful business. Mr. McCorkle stated that the applicant is asking for curb cuts on residential streets, which are unnecessary and an advantage not given to other fast food businesses in the area. He informed that some of the protestants have property that abutts the empty lots which face the proposed restaurant and will experience adverse affects from the lighting. Mr. McCorkle asked the Board to deny the application.

Ed Strong, Director of Development for Tulsa University, stated that he is interested in careful development of the properties in the area abutting the university. He asked that the Board require a screening fence along the boundary that faces the residential zoned area.

Ms. Bradley asked Mr. Gardner when the amendment to the District 4 Plan was approved and he informed that the County has just recently approved the amended plan and the City had already approved the plan at the time of the previous hearing for this case. Ms. Bradley pointed out that the business in question is in a special consideration area and it states in the amendment that OL zoned property is to be screened from residential districts. Mr. Gardner replied that the Board has been advised by Staff that it has jurisdiction to make any reasonable requirements, and that the applicant has requested certain access points, but it is the responsibility of the Board to determine whether to allow them and, if so, where they will be located and where the screening will be placed. Mr. Gardner pointed out that the property is unique in that the property has multiple zoning (RS-3, OL, CH), but the Board will have to determine whether the proposed use is appropriate, and in the best interest of the neighborhood.

Case No. 14291 (continued)

Fran Pace, 1326 South Florence Avenue, Tulsa, Oklahoma, submitted a petition (Exhibit A-1) signed by property owners in the area who are opposed to the application. She stated that, in her opinion, if six variances are needed by the applicant in order to build an establishment, he is circumventing the spirit of the law. Ms. Pace pointed out that this Taco Bueno development has the only parking lot in the area that encroaches back past the third lot. She informed that there have been lighting poles installed at each corner of this tract that are higher than the utility poles and suggested that some effort be made to control the diffusion of the lights.

**Applicant's Rebuttal:**

Mr. Sublett suggested that a landscape berm would serve the same purpose and be more pleasing to the eye than a 6' wooden fence along part of the side of the business. He pointed out that a screening fence would not accomplish anything except screen part of the business from the two vacant properties across the street. Mr. Sublett stated that, in his opinion, this business would have no adverse affect on Tulsa University.

**Additional Comments:**

Mr. Quarles asked Staff if the question before the Board today is whether or not there will be a screening fence erected between the two access points on the east side of the property and Mr. Jackere answered in the affirmative.

Ms. White asked Mr. Sublett if his client plans to take advantage of the access easement and have ingress and egress on Delaware Avenue and he answered in the affirmative.

Ms. Bradley asked the applicant if he has considered eliminating ingress and egress on Delaware Place.

Robert Arnold, representative of Casa Bonita Property Development, stated that the issue of the access easement to Delaware Avenue has not been finalized at this time, but the access to Delaware Place has been approved by all parties involved in the development and the Traffic Engineer.

**Board Action:**

On MOTION of SMITH, the Board voted 3-2-0 (Chappelle, Quarles, Smith, "aye"; Bradley, White, "nay"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 1212.3 - Use Conditions) of the screening requirement between an OL and RS-3 District; per plot plan; subject to 23' of 6' wooden screening fence being installed along Delaware Place from the southeast corner of the development extending north to the southern access point; subject to a living screening fence of Austrian Pine trees being planted along the east property line between the two access points on Delaware Place; subject to the erection of a no right turn sign at the southern access on Delaware Place; and subject to all lighting being directed

Case No. 14291 (continued)

Inward and away from the residential areas; finding a hardship imposed on the applicant by multiple zoning classifications; and finding that the vacant RS-3 lots across the street from the proposed business would be protected by the plant screenings; on the following described property:

Lots 1 - 5, Block 3, Signal Addition, City of Tulsa, Tulsa County, Oklahoma.

**Additional Comments:**

Ms. Bradley commented that, in her opinion, a hardship was not demonstrated by the applicant and the granting of the variance is a disservice to the district. She stated that the Board was not aware of the amendment to the plan and that the purpose of the plan is to get along with the surrounding neighborhood. She pointed out that a representative of Tulsa University was in protest here today and the applicant refused to give up one access point to protect the neighborhood.

Mr. Quarles commented that he did second Mr. Smith's motion for approval and pointed out that when the University of Tulsa attempts to acquire variances, they also have protestants. He remarked that the same weight is given to protests by Tulsa University that is given to any other protesting party.

Mr. McCorkle informed that a new matter was raised in the rebuttal, to which he was not allowed to respond.

**Case No. 14303**

**Action Requested:**

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1225 - Request a variance of the frontage requirements from 150' to 10' on Tract I and from 150' to 100.1' on Tract II to allow for a lot split, located East 28th Street North, west of Sheridan Road.

**Comments and Questions:**

Mr. Jones informed that TMAPC approved the lot split on November 19, 1986, subject to Board of Adjustment approval.

**Presentation:**

The applicant, Hanson, Holmes, Field and Snider, was represented by Jerry Snider, 5818 East 31st Street, Tulsa, Oklahoma, who stated that this case was continued from the previous meeting. He informed that the parameters of the lot split have been changed in order to satisfy both water and sewer requirements. He stated that the water

**Case No. 14303 (continued)**

main is to the east of the property and the sewer is to the west. Mr. Snider informed that the lot is being split from east to west, with a handle of 10' to Sheridan Road to permit a water tap for the building to the rear of the property. He stated that the property is zoned IL, which requires a 150' frontage and the lot in question has a total of 110.1', with a reduction of 10' for the handle. A plot plan (Exhibit B-1) was submitted.

**Protestants:** None.

**Board Action:**

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1225) of the frontage requirements from 150' to 10' on Tract I and from 150' to 100.1' on Tract II to allow for a lot split; per plot plan submitted; finding a hardship imposed by the configuration of the lots and the location of the water and sewer lines; on the following described property:

Lot 4, Block 4, Mowhawk Acres Addition, Less the East 250' of the North 55' thereof, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14310**

**Action Requested:**

Variance - Section 1340.(e) - Design Standards for Off-Street Parking Areas - Use Unit 1210 - Request a variance of the screening fence or its location along the lot line in common with the residential district, located north of NE/c Quincy Avenue and 15th Street.

**Presentation:**

The applicant, Beth Miller, 1401 East 15th Street, Tulsa, Oklahoma, stated that this case was continued at a previous meeting to allow the Legal Department sufficient time to review the case. Mr. Jackere asked Ms. Miller if she represents the applicant and if the applicant is Mr. Builder, and she answered in the affirmative. She informed that the church is the owner of the property and that she is on the Board of the church. Ms. Miller stated that the businesses in the building lease from the church. Mr. Jackere informed that he was unable to contact the applicant, and in a conversation with Mr. Builder, was led to believe that he was the real party of interest in this application. Mr. Jackere informed that Mr. Builder assured him that a copy of the easement would be made available to him, but this was not done so. He stated that the question may have to be resolved based on the nature of the

Case No. 14310 (continued)

easement, but pointed out that the Board will have to determine if the applicant has presented sufficient grounds for the granting of a variance from the Code provision that requires that a screening fence be on the lot line.

**Comments and Questions:**

Ms. Bradley asked the applicant if she objects to the fence being constructed on the property line and she replied that she does not object, but would like to be able to use the access.

Mr. Jackere pointed out that, if the fence is constructed on the property line, access to the parking lot would be cut off. Ms. Miller stated that the access could still be used if the fence began at the point of the house setback.

Mr. Jackere suggested that 2 parking spaces be eliminated and a drive made to join the parking lots which are now separated. Ms. Miller stated that Chimi's is required to have a certain amount of parking spaces and is not sure if this amount can be maintained if spaces are eliminated.

**Protestants:**

Kurt Ray, 707 South Houston, Tulsa, Oklahoma, represented Mary Lee, owner of the property to the north of the subject tract.

**Board Action:**

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a **Variance** (Section 1340.(e) - Design Standards for Off-Street Parking Areas - Use Unit 1210) of the screening fence or its location along the lot line in common with the residential district; finding that a hardship was not demonstrated by the applicant that would warrant the variance of a screening fence along the lot line as requested by the applicant; on the following described property:

Lot 15, Block 6, Bellview Addition, City of Tulsa, Tulsa County, Oklahoma.

**MINOR VARIANCES AND EXCEPTIONS**

**Case No. 14317**

**Action Requested:**

Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of 6,900 sq. ft. minimum lot area to approximately 6,472 sq. ft. and 6,222 sq. ft. to permit a lot split with TMAPC approval, located at 2824 East Admiral Court.

Case No. 14317 (continued)

**Presentation:**

The applicant, Charles Drury, 2823 East Admiral Place, Tulsa, Oklahoma, was not present.

**Board Action:**

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **CONTINUE** Case No. 14317 to January 8, 1987.

**NEW APPLICATIONS**

**Case No. 14314**

**Action Requested:**

Variances - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1207 - Request variances of the lot area from 6,900 sq. ft. to 2,800 sq. ft., land area from 7,500 sq. ft. to 3,675 sq. ft., and side yard setback from 10' to 0' in order to permit the splitting of existing duplexes, located at 1908 and 1910 North Newton.

**Comments and Questions:**

Mr. Jones informed that the application for Case No. 14314 is not complete. He stated that the applicant has been notified and asked the Board to continue the case to allow Mr. Fortner sufficient time to return to the INCOG office and complete the application.

**Presentation:**

The applicant, Jim Fortner, 3910 East 51st Street, Suite 6, Tulsa, Oklahoma, was not present.

**Protestants:** None.

**Board Action:**

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **CONTINUE** Case No. 14314 to January 22, 1987.

**Case No. 14318**

**Action Requested:**

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Request a special exception to permit a home occupation (minor auto repair) in an RS-2 District, located east of NE/c of 56th Place and Atlanta Avenue, 2511 East 56th Place, Tulsa, Oklahoma.

**Presentation:**

The applicant, Gary Johnston, 2511 East 56th Place, Tulsa, Oklahoma, asked the Board to allow him to continue operation of an auto repair



Case No. 14318 (continued)

business in his home. He explained that he has been repairing automobiles at this location on a part time basis for approximately 11 years and has never had a complaint until this time. Mr. Johnston stated that the hours of operation are from 9 a.m. to 5 p.m., Monday through Friday, and occasionally a half day on Saturday. He informed that he is trying to find another location for the business, but has been unable to find suitable property.

**Comments and Questions:**

Mr. Chappelle asked the applicant how many customers are serviced in a day, and he replied that he has from 1 to 3 customers per day.

Mr. Smith inquired of the applicant as to the number of personal cars parked on the property, and Mr. Johnston replied that he has 3 vehicles.

Ms. White asked if all work is done in the garage and if body work is one of the services offered. Mr. Johnston replied that he does not do body work and all repairs are completed inside the garage. He informed that, except for the occasional use of an air ratchet, no air tools are used on the premises.

Ms. Bradley asked Mr. Johnston where the cars are parked that are being serviced, and he replied that they are parked in his driveway or in front of his residence, with no more than 3 cars there at any one time.

Mr. Smith commented that he viewed the property at noon today and there were 4 pickups and 1 car parked at the applicant's home.

**Interested Parties:**

G. C. Pickett, 2517 East 56th Place, Tulsa, Oklahoma, stated that he lives 1 house to the east of Mr. Johnston and has been a neighbor of the applicant since 1975. Mr. Pickett stated that the majority of the homes surrounding the subject property are rent houses and that he lives in the only owner occupied residence that would be affected by the home occupation. He informed that the home occupation is not detrimental to the neighborhood and asked the Board to approve the application.

**Protestants:**

Julian Dawson, 2542 East 56th Place, Tulsa, Oklahoma, stated that the home occupation is not compatible with the residential zoning and will tend to reduce property values in the area. He submitted a petition (Exhibit C-1) containing approximately 40 signatures of homeowners in the area that are opposed to the application.

Ms. White noted that the business has been there for 11 years and asked Mr. Dawson if it has become more objectionable recently. Mr. Dawson replied that he has not noticed any change.

Case No. 14318 (continued)

Mr. Quarles asked the protestant if he owns the property where he resides and Mr. Dawson answered in the affirmative.

Mr. Jackere asked Mr. Dawson to be specific and tell the Board what he finds objectionable about the home occupation. The protestant replied that the business is unsightly and there are many vehicles parked on both sides of the street in front of the applicant's home.

**Applicant's Rebuttal:**

Mr. Johnston stated that he does not know who originally protested his business, but, in his opinion, this person should be present to make his protest known. He explained that he had a truck for sale that was on his lot for approximately 3 months, but it has been removed. He stated that his wife drives a mail truck, which leaves at 4 a.m. and returns at 7 p.m., then remains on the lot during the night. He stated that he also has a 1-ton truck that remains on the lot during the nighttime hours.

**Board Action:**

On MOTION of BRADLEY, the Board voted 3-2-0 (Bradley, Quarles, White, "aye"; Chappelle, Smith, "nay"; no "abstentions"; none, "absent") to **DENY** a **Special Exception** (Section 420 - Accessory Uses Permitted in Residential Districts) to permit a home occupation (minor auto repair) in an RS-2 District, located east of NE/c of 56th Place and Atlanta Avenue; finding that the auto repair business is not compatible with the residential neighborhood and that the special exception request is not in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 11, Block 3, Amended South Lewis Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14319**

**Action Requested:**

Variance - Section 1340(d) - Design standards for Off-Street Parking Areas - Use Unit 1210 - Request a variance of the all weather hard surface requirement for an unenclosed off-street parking area, located south of SE/c of 12th Street and Cheyenne Avenue.

**Presentation:**

The applicant, George Carrasquillo, 1215 South Boulder, Tulsa, Oklahoma, was represented by Kenny Joe Smith, 502 West 6th Street, Tulsa, Oklahoma. He explained that the parking lot in question serves Blue Cross and Blue Shield, which is located to the east across Boulder. Mr. Kenny Smith stated that the City has requested that the parking lot be hard surfaced. He informed that the property is right-of-way for Interstate 444 and is owned by the State of Oklahoma. He stated that an attempt has been made to

Case No. 14319 (continued)

purchase the property from the Highway Department, but that department stated that it is necessary to keep the property as right-of-way in order to maintain the retaining wall on the Interstate. He pointed out that it would be quite expensive to pave the area and have the state terminate the lease, which can be done with a 30 day notice. He stated that there is a deteriorated apartment to the west of the subject property, with no single-family residences located in the area.

**Comments and Questions:**

Mr. Quarles asked Mr. Kenny Smith how long his client has leased the property in question. He replied that the parking lot has been at this location since 1978 and his client's lease is renewed every year, with the last renewal being dated in April of 1985.

**Protestants:** None.

**Board Action:**

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 1340(d) - Design standards for Off-Street Parking Areas - Use Unit 1210) of the all weather hard surface requirement for an unenclosed off-street parking area; finding that the parking lot is located on leased right-of-way owned by the State, with the lease being renewed yearly; and finding that there are no residences nearby that would be adversely affected by the dust; on the following described property:

All of Lot 4, Block 6 of Kirkwood Place Addition to the City of Tulsa, in Tulsa County, Oklahoma, containing 0.14 acres, more or less.

Also: A strip, piece or parcel of land lying in part of Lots 1 and 2, Block 1 of Friend Addition of the City of Tulsa, in Tulsa County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at the NE/c of said Lot 1, thence west along the north line of said Lot 1 a distance of 125.33' to the NW/c of said Lot 1, thence south along the west line of said Lot 1 a distance of 32.87', thence S 81°20'10" E a distance of 127.45' to a point on the east line of said Lot 2, thence north along the east line of said Lots 2 and 1 a distance of 52.21' to the point of beginning. Containing 0.12 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14320**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow an existing mobile home in an RS-1 District.

Variance - Section 440.6(a) - Special Exception Uses in Residential Districts - Request a variance of the 1 year time limitation to 5 years, located at 17108 East 11th Street.

**Presentation:**

The applicant, Bryan Phillips, 17108 East 11th Street, Tulsa, Oklahoma, stated that he is asking the Board to allow him to leave the mobile home at its present location to enable him to pay for the land before starting construction of a house.

**Protestants:** None.

**Board Action:**

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow an existing mobile home in an RS-1 District; and to **APPROVE** a **Variance** (Section 440.6(a) - Special Exception Uses in Residential Districts) of the 1 year time limitation to 5 years; finding that there are other mobile homes located in the area; and finding that the mobile home in question has been located at the present site for a period of 1 year and has proved to be compatible with the neighborhood; on the following described property:

East 39.7' of Lot 4, West 79.5' of Lot 5, Block 1, Lynn Lane Estates, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14321**

**Action Requested:**

Special Exception - Section 419 - Principal Uses Permitted in Residential Districts - Use Unit 121 - Request a special exception to allow office light usage on tract in an RM-2 District, located east of NE/c of Peoria and East 41st Place.

**Comments and Questions:**

Mr. Jones informed that he has received a letter (Exhibit D-1) from the co-applicant which requested that Case No. 14321 be continued until January 22, 1987, to allow additional time for the preparation of plans and exhibits.

Case No. 14321 (continued)

**Presentation:**

The applicant, D. Jeffrey Olsen, 1140 East 37th Street, Tulsa, Oklahoma, was not present.

**Board Action:**

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **CONTINUE** Case No. 14321 until January 22, 1987, to allow sufficient time for the applicant to prepare plans and exhibits.

**Case No. 14322**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to maintain a mobile home to be placed on a permanent foundation in an RS-1 District.

Variance - Section 440.6(a) - Special exception Uses in Residential Districts - Request a variance of the 1 year time limitation to permanently, located at 2315 North Canton Avenue.

**Presentation:**

The applicant, Ruth Hudson, 2410 North Canton Avenue, Tulsa, Oklahoma, stated that the mobile home has been at the present location for several years and asked the Board to allow it to remain there permanently.

**Comments and Questions:**

Ms. Bradley asked the applicant if she is the owner of the mobile home in question, and she replied that her son is the owner.

Ms. Bradley asked if the owner will live in the mobile or rent it, and Ms. Hudson replied that he plans to either rent the mobile home or let his daughter live there.

Ms. White asked if the mobile home is served by a sewer or septic system, and the applicant replied that it is hooked up to the City sewer.

**Board Action:**

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Special Exception (Section 410 - Principal Uses Permitted in residential Districts - Use Unit 1209) to maintain a mobile home to be placed on a permanent foundation in an RS-1 District; and to **APPROVE** a Variance (Section 440.6(a) - Special exception Uses in Residential Districts) of the 1 year time limitation to permanently; finding that the mobile home has been at

Case No. 14322 (continued)

the present location for several years and has proved to be compatible with the neighborhood and the surrounding area; on the following described property:

North 45' of Lot 10, Block 5, Industrial Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14323**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1215 - Request a special exception to permit a cosmetology school associated with the Oklahoma Junior College of Business and Technology In a CS District, located NW/c 51st Street and Memorial Drive.

**Presentation:**

The applicant, Kathryn Purser, 4821 South 72nd East Avenue, Tulsa, Oklahoma, submitted a location map (Exhibit E-2) and a brochure (Exhibit E-1) and stated that she is representing Oklahoma Junior College. She explained that the college is now offering a non-degree cosmetology program, with the Fontana Shopping Center as the proposed location for the classes. Ms. Purser informed that there is sufficient parking to accommodate the students enrolled in the program. She stated that Carol Titolo, who will be the administrator, is present for questions. Photographs (Exhibit E-3) were submitted.

**Comments and Questions:**

Ms. Bradley asked the applicant to explain in what portion of the shopping center the school will be located. Ms. Purser informed that the school will be located 2 doors down from Cort Rental Furniture, which is located on the corner of 51st and Memorial. She informed that the school will utilize approximately 6,000 sq. ft. of floor space.

Ms. Bradley inquired as to the number of students that will be enrolled in the school, and Ms. Purser informed that the State will allow 150 students at one time. She noted that there will be both day and evening classes.

**Protestants:** None.

**Board Action:**

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1215) to permit a

**Case No. 14323 (continued)**

cosmetology school associated with the Oklahoma Junior College of Business and Technology in a CS District; finding that the school will not be detrimental to the area and that the special exception is in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

South 500' and the east 600' of Lot 1, Block 1, Fontana Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14324**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential District - Use Unit 1205 - Request a special exception to allow a day care center in an RS-3 District, NE/c of 63rd Street and Mingo Road.

**Presentation:**

The applicant, Alma Vance, 1900 South Yellowwood Avenue, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit F-1) and asked the Board to allow her to operate a day care center on the subject property.

**Comments and Questions:**

Mr. Chappelle asked the applicant to state the size of the building in question and Ms. Vance informed that the building is approximately 1,400 sq. ft.

Ms. White asked if the entire building will be used for a day care operation and the applicant answered in the affirmative. Ms. Vance stated that there is sufficient playground area to satisfy the State requirement, but that she plans to enlarge the play area in the spring.

Mr. Quarles asked Ms. Vance if she will be the operator of the child care facility and if she has other centers in the City. The applicant replied that she will be the operator for the center in question and that she has previously been involved in a church child care operation, but has no other businesses at this time.

Ms. Bradley inquired as to the parking arrangement for parents leaving and picking up the children. Ms. Vance informed that the loading and unloading area on 63rd Street will be surfaced for parking, and there will be sufficient space for cars to turn around in this area.

Mr. Quarles inquired as to the ages of the children that will be kept at the center and the hours of operation. The applicant

Case No. 14324 (continued)

replied that those children being cared for at the facility will range in age from 2 1/2 years to 12 years and that the hours of operation will be from 6:30 a.m to 6:30 p.m., with the evening hours possibly being extended to 11:30 p.m.

Ms. Bradley asked how many days each week the center will be open, and Ms. Vance replied that she plans to keep the center in operation 5 1/2 days each week.

**Protestants:** None.

**Board Action:**

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential District - Use Unit 1205) to allow a day care center in an RS-3 District; per plan submitted; subject to a maximum of 30 children being cared for at the center; subject to hours of operation being from 6:30 a.m to 11:30 p.m.; finding that there are multiple zoning classifications in the vicinity and many businesses already in operation; finding that the granting of the special exception request will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

South 79' of the West 236' of Lot 5, Block 4, Union Gardens Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14325**

**Action Requested:**

Variance - Section 420.2(a) (2) - Accessory Use Conditions - Use Unit 1206 - Request a variance to allow a detached garage within the front yard.

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request a variance of the required front yard setback of 55' from the centerline of Victoria Street and of the required 5' side yard setback per plot plan, located at 230 West Victoria Street.

**Presentation:**

The applicant, Gary Neal, 502 West 6th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit G-1) and a plat of survey (Exhibit G-2), explained that his lot is located on the side of Reservoir Hill and the steep drop necessitates placing the garage on the front of the property. He informed that there is no other means of ingress or egress to the lot and that similar variances have been granted to surrounding property owners.



Case No. 14325 (continued)

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 420.2(a) (2) - Accessory Use Conditions - Use Unit 1206) to allow a detached garage within the front yard; and to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the required front yard setback of 55' from the centerline of Victoria Street and of the required 5' side yard setback per plot plan; finding a hardship imposed on the applicant by the irregular shape and steep grade of the lot; on the following described property:

Lot 5, Block 18, Oak Cliff Addition, and Lot 5, Block 1, Oak Terrace Addition.

Case No. 14326

Action Requested:

Special Exception - Section 220.(c) - Height Exceptions - Use Unit 1211 - Request a special exception to permit a microwave tower, a permitted accessory use to a radio station, to exceed the maximum permitted height from 60' to 95', located NW/c of 55th Street South and Memorial Drive.

Presentation:

The applicant, C. S. Lewis, III, Suite 1500, Bank of Oklahoma Tower, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1) and stated that he represents KVL Radio Station, which has recently moved to Tulsa from Elkhart, Indiana. He informed that the company has bought a small radio station in Owasso and is buying a building for offices and a studio at 55th and Memorial. Mr. Lewis explained that a 60' tower is allowed by right in the area, and that the station will not broadcast and transmit their radio signal from this location, but rather, will relay the signal from this tower to the broadcasting tower located by Oologah. He informed that the 60' tower will not go over the ridge lines between the Memorial studio and the Oologah station. Mr. Lewis asked the Board to approve a tower that is 95' tall at the 55th and Memorial location. He stated that the tower will be of metal construction, 4 1/2' wide at the base, 2' wide at the top and will not have guy wires. Photographs (Exhibit H-2) were submitted. Mr. Lewis informed that the tower will be located to the rear of the building and at a point on the west portion of the lot.

Comments and Questions:

Ms. Bradley commented that the tower must be only a few feet from the residences and asked the applicant to state the actual distance.

Case No. 14326 (continued)

He stated that single family residences are located to the rear of the building which will house the radio station and the tower will be constructed within the 10' setback. He stated that he is not sure exactly how far the tower would be from the homes.

He pointed out that there is a similar tower approximately 1 1/2 miles away from the proposed site.

**Protestants:**

Mr. Chappelle stated that the Board has received 3 letters of opposition (Exhibit H-3) to the proposed microwave tower, stating that the tower is not in keeping with the character of the residential neighborhood.

Ken House, 5407 South 79th East Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit H-4) and stated that he lives on the first lot to the west of the proposed tower. She stated that he is spokesman for 9 other property owners in the neighborhood that also oppose the tower site. Mr. House pointed out that the tower will possibly be equipped with various attachments that will overshadow the residential neighborhood and, in his opinion, the location of the tower at the proposed location will devalue the property in the area.

Ms. White commented that a 60' tower is allowed by right on the property and asked the protestant if the additional height will be more objectionable than the allowed 60' structure. Mr. House replied that he does consider the 95' tower more objectionable than a 60' tower.

Rod Smith, 5424 South Memorial, Tulsa, Oklahoma, informed that this is an office/condominium project and the tenants are also the owners of the property. Mr. Smith stated that he is representing these property owners and that one of them, a dentist, told him that a microwave tower has the possibility of having a serious effect on health. He informed that the American Savings and Loan Company is the owner of the remainder of the property. Mr. Smith asked the Board to deny the application.

Steve Maxwell, 7912 East 53rd Street, Tulsa, Oklahoma, informed that there have been other towers in the neighborhood. He pointed out that the one near 51st and Memorial is being removed, due to FAA restrictions, because Memorial is in a flight path to the airport. Mr. Maxwell informed that the proposed tower is also on the flight path.

Stella Sylvester, 5520 South 78th East Avenue, Tulsa, Oklahoma, stated a concern that the school children might play around the tower and asked if it will be enclosed for their protection. Mr. Lewis informed that his client will install a fence if it is required.

Case No. 14326 (continued)

**Applicant's Rebuttal:**

The applicant stated that the tower is not tall enough to require lights and that it will be required to meet all other FAA specifications. He informed that the tower will have no more than 3 microwave dishes, which will be made from see-through materials. He informed that 80% of the buildings are owned by a California savings and loan association that took the property back after the developer went broke. He stated that his client is buying the entire 80% that is not occupied and will use as much as is needed for their studio.

Ms. Bradley asked the applicant if the tower can be located on the northeast corner of the property and away from the residences. Mr. Lewis replied that the owner decided on the location of the tower and he is not sure if it can be moved to another portion of the lot.

**Additional Comments:**

Mr. Quarles remarked that he can see no difference in the view of a 60' tower and a 95' tower from the windows of the residences.

**Board Action:**

On MOTION of WHITE, the Board voted 3-2-0 (Bradley, Smith, White, "aye"; Chappelle, Quarles, "nay"; no "abstentions"; none, "absent") to **DENY** a **Special Exception** (Section 220.(c) - Height Exceptions - Use Unit 1211) to permit a microwave tower, a permitted accessory use to a radio station, to exceed the maximum permitted height from 60' to 95'; finding that a 95' tower is not appropriate for the area and the granting of the special exception request would not be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

A part of Lot 1, Block 14, Southern Plaza, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and being more particularly described as follows, to-wit:

Beginning at the SE/c of Lot 1, Block 14, Southern Plaza, according to the recorded plat thereof; thence S 89°49'51" W along the north line of East 55th Street South, a distance of 49.83' to a point; thence along a curve to the left, having a central angle of 8°06'05" and a radius of 1,720.00', a distance of 243.20' to a point; thence S 81°43'46" W, a distance of 7.52' to the SW/c of said Lot 1, Block 14; thence N 0°10'09" W along the west line of said Lot 1, a distance of 194.86' to a point; thence N 89°49'51" E, a distance of 299.67' to a point on the east line of Lot 1; thence S 0°10'09" E, a distance of 176.64' to the Point of Beginning, less and except the east 10.00' thereof and containing 52,683.00 square feet more or less, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14327**

**Action Requested:**

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the front yard setback from the centerline of East 55th Place from required 55' to 41.5' to permit a proposed garage addition, located NW/c East 55th Place and Columbia Avenue.

**Presentation:**

The applicant, Randy Allen, 2625 East 55th Place, Tulsa, Oklahoma, who submitted a plot plan (Exhibit 1-1) and a plat of survey (Exhibit 1-2), stated that he is proposing a garage addition to an existing house. He stated that, due to the large trees on the west portion of the lot, the construction is planned for the front of the home. He informed that there are other houses in the area that extend as close to the street as the proposed garage.

**Comments and Questions:**

Ms. Bradley asked if the garage will align with the house to the east and he replied that the new construction will be approximately 4' closer to the street than the house next door.

**Board Action:**

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the front yard setback from the centerline of East 55th Place from required 55' to 41.5' to permit a proposed garage addition; per plot plan submitted; finding a hardship imposed on the applicant by the corner lot location and the narrow shape of the property; and finding that there are other houses in the neighborhood that are as close to the street as the proposed garage; on the following described property:

Beginning 150.0' south of a point and 1,716' east of the NW/c of the S/2 of the S/2 of the NW/4 of Section 32, T-19-N, R-13-E, thence east 82.0'; thence south 155.0'; thence west 82.0'; thence north 155.0' to the Point of Beginning, Tulsa County, State of Oklahoma, and known as 2625 East 55th Place, Tulsa, Oklahoma.

**Case No. 14328**

**Action Requested:**

Variance - Section 930 - Bulk and Area requirements in Industrial Districts - Use Unit 1223 - Request a variance of the required

Case No. 14328 (continued)

setback from the centerline of East 2nd Street from 50' to 25' to permit an addition to a warehouse use, located NE/c Fulton Avenue and East 2nd Street.

**Presentation:**

The applicant, Ted Moore, 121 East College, Broken Arrow, Oklahoma, submitted a plat of survey (Exhibit J-1), elevations (Exhibit J-3) and photographs (Exhibit J-4). Mr. Moore informed that he is representing Refrigerated Delivery Service, which is owned by Vern Langenberg. He stated that the existing metal building will be removed and replaced with a building that is similar to the other structures on the lot. He pointed out that ingress and egress to the lot was cut off by I-244 on the north and cut off by the Northern Burlington Railroad on the east, leaving access only to the south or to the west along 2nd Street. He stated that the City has declined opening of the road across the railroad tracks. Mr. Moore informed that his client does not anticipate any increase in traffic.

**Comments and Questions:**

Ms. Bradley pointed out that there is not a screening fence on the property. Mr. Moore stated that the east side of the new building will have a solid wall beside the railroad, with windows and a door on the south side. Ms. Bradley commented that there are trucks parked on the lot that should be screened from the neighborhood. The applicant stated that trucks are parked on the southern portion of the lot, but no question has been raised concerning this issue in the past.

**Protestants:**

Tom Percival, 204 South Fulton, Tulsa, Oklahoma, stated that the trucks are in the area at all hours during the day and night. He informed that the trucks drive on the sidewalks and the heavy traffic keeps the streets in bad repair. He pointed out that he truck drivers are banging doors at 3 a. m. and leave their engines running all night. Mr. Percival asked the Board to deny the application.

Harold Larson, 210 South Fulton, Tulsa, Oklahoma, stated that he has been living at the present location since 1950. He explained that the trucks are too long to make the turns into the narrow street and on occasion, knock down street signs, utility poles and water hydrants. He pointed out that the lot is locked up at night and trucks are parking on the street, since a parking lot is not provided on the property.

Mary Lou Goodsall, 5334 East 2nd Street, Tulsa, Oklahoma, commented that the trucks speed down the street and is concerned that an expansion of their facility will cause an increase in the traffic. She pointed out that the exhaust fumes from the trucks that are left running make it necessary for the surrounding residents to keep

Case No. 14328 (continued)

their doors and windows closed during the summer months. She stated that the business has grown larger and larger, and asked the Board to deny the application.

America Persival, 204 South Fulton, Tulsa, Oklahoma, stated that her children are unable to sleep because of the truck noise. She informed that she has called the City many times to complain about the trucks and the bad repair of the streets.

**Additional Comments:**

Ms. Bradley inquired of the applicant as to the specific business that is operated on the subject property. He replied that frozen foods are brought to the warehouse by truck, stored for a time and shipped out by truck.

Ms. Bradley asked why the trucks are left in the street and the applicant informed that his client does not have control of the trucks that are not owned by his company.

Mr. Quarles pointed out that the applicant has the right to tear down and construct a new warehouse and would not be before the Board today if they were not planning to construct the facility closer to 2nd Street than the Code allows. He noted that, since the application is before the Board, some requirements can be imposed that will help protect the surrounding area.

Mr. Smith asked if there will be sufficient space left for parking after the new construction is completed and the applicant replied that he believes there is enough parking space for the trucks, but there is not someone on duty 24 hours each day to let them inside.

Mr. Smith inquired if a crossing could not be installed across the railroad tracks in order to relieve the residential neighborhood of some of the truck traffic.

Vern Langenberg, 45 South Fulton, Tulsa, Oklahoma, stated that letters (Exhibit J-2) have been written to the railroad requesting access over the railroad tracks and they refused the request. He informed that the railroad company would be required to install expensive automatic signals if the crossing was approved.

Mr. Quarles asked the owner of the company if it is economically feasible to have an employee at the gate to allow the truck drivers to gain entry into the parking lot and Mr. Langenberg replied that it is not. He informed that during the week days there is a period from 6 a. m. until 12 a. m. when there is not an employee available to open the gate, with no one being at the facility on the weekends.

Case No. 14328 (continued)

Mr. Gardner explained that the applicant can expand on the interior without coming to the Board. He pointed out that there is an existing building to the east that extends to the property line and that the new building will set along the street and be within 12' to 15' of the curb. He stated that there would be no reason to screen the building, but pointed out that there is no screening in place anywhere on the subject property at this time and, if inclined to approve the application, the Board could consider the advantage of a screening fence along the residential area. Mr. Gardner stated that the Board can recommend to the City Engineer that the railroad crossing be approved, which will alleviate some of the traffic through the residential neighborhood. Mr. Gardner informed that it appears that there is sufficient space to park the trucks on the interior of the property if someone was available to unlock the gate.

**Board Action:**

On MOTION of QUARLES, the Board voted 3-2-0 (Chappelle, Quarles, Smith, "aye"; Bradley, White, "nay"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1223) of the required setback from the centerline of East 2nd Street from 50' to 25' to permit an addition to a warehouse use; subject to 6' screening fences being installed from the corner of the building extending west down 2nd Street to the east side of the driveway and north along Fulton to the corner of the property line; finding that there are other structures in the area that are as close to the street as the proposed warehouse.

Ms. Bradley asked Mr. Quarles if he would amend his motion to require that a security guard be present from 6 p.m. to 6 a.m. to admit trucks during those hours.

Mr. Chappelle asked Mr. Quarles if he is amending his motion to include Ms. Bradley's request and he replied that he is not amending the motion.

Mr. Smith asked that a second motion be made which would direct Staff to send a letter to the Engineering Department requesting installation of a crossing over the Burlington tracks on 2nd Street. Mr. Chappelle asked for said motion.

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **DIRECT** Staff to request by letter that the Engineering Department consider the installation of a crossing over the Burlington tracks on 2nd Street.

After Board action, residents in the audience continued to voice their protest of the truck parking along the street and Mr. Smith assured them that Staff would also relay this complaint to the City Engineering Department.

Case No. 14328 (continued)

Lots 1 - 4, Block 36, White City Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14285

Action Requested:

Variance - Section 1330.(b) - Off-Street Parking, Setbacks - Use Unit 1210 - Request a variance of the setback from the centerline of South Richmond Avenue from 50' to 33' for an addition to existing parking lot.

Variance - Section 1340.(e) - Design Standards for Off-Street Parking Areas - Request a variance of the fencing requirement subject to approval of the landscape plan, located SW/c of 61st Street and Richmond Avenue.

Comments and Questions:

Mr. Jones informed that this case was previously approved, subject to the applicant returning to the Board with a detail landscape plan.

Presentation:

Steve Olsen, 324 East 3rd Street, Tulsa, Oklahoma, submitted a landscape plan (Exhibit K-1), as previously required by the Board.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a landscape plan for Case No. 14285 as submitted.

There being no further business, the meeting was adjourned at 4:05 p.m.

Date Approved

1-8-87



Chairman